

REMARKS/ARGUMENTS

Claims 19 and 23 are amended herein. Claims 16-18 and 27 are canceled herein from the Application without prejudice. Claims 1, 5-8, and 12-15 were previously cancelled from the Application without prejudice. Claims 2-4, 9-11, and 19-26 are pending in the application. No new matter has been added. Following discussion regarding patentability of the claims is directed toward the claims as amended herein. Reconsideration and reexamination is respectfully requested.

1. REJECTION OF CLAIMS 2-4, 9-11, & 16-26 UNDER 35 U.S.C. § 101:

In item 2 on page 2 of Paper No./Mail Date 20050615 mailed on 7 July 2005 and referred to herein as the Office Action of 7 July 2005, claims 2-4, 9-11, and 16-26 were rejected under 35 U.S.C. § 101 as allegedly claiming "non-statutory subject matter". Applicant respectfully traverses. However, claims 16-18 which depended from claim 27 are cancelled herein from the Application without prejudice.

Regarding Rejection of Independent Claims 19 & 23 Under 35 U.S.C. § 101:

In item 2 on page 2 of the Office Action of 7 July 2005, it was alleged that "Applicant fails to indicate an operation or function that is being implemented through the detailed description of the topological connectivity." Among other items, claim 19 now comprises the following operation: "using the topological map to control the flow of messages on the network". Thus, an operation is implemented in claim 19 through the detailed description of the topological map. A similar statement can be made for independent claim 23.

Thus, claims 19 and 23 do claim statutory subject matter. As such, claims 19 and 23 are allowable.

Regarding Rejection of Dependent Claims 2-4, 9-11, 20-22 & 24-26 Under 35 U.S.C. § 101:

Because dependent claims 2-4 and 20-22 depend from independent claim 19, it is noted that dependent claims 2-4 and 20-22 have all the features described above for claim 19 as elements. As Applicant has demonstrated above, independent claim 19 is allowable. Thus, claims 2-4 and 20-22 are allowable.

Because dependent claims 9-11 and 24-26 depend from independent claim 23, it is noted that dependent claims 9-11 and 24-26 have all the features described above for claim 23 as elements. As Applicant has demonstrated above, independent claim 23 is allowable. Thus, claims 9-11 and 24-26 are allowable.

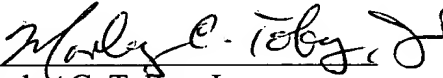
2. REJECTION OF CLAIM 27 UNDER 35 U.S.C. § 101:

In item 2 on page 2 of the Office Action of 7 July 2005, claim 27 was rejected under 35 U.S.C. § 101 as allegedly claiming "non-functional printed matter". Applicant respectfully traverses. However, claim 27 has been cancelled from the Application without prejudice.

3. CONCLUSION:

Entry of this amendment is respectfully requested. Applicant believes that all claims pending in the Present Application are allowable and that all other problems raised by the Examiner have been rectified. Therefore, Applicant respectfully requests the Examiner to reconsider his rejections and to grant an early allowance.

Respectfully submitted,

by 
Morley C. Tobey, Jr.
Reg. No. 43,955

September 27, 2005
Loveland, CO 80537
(970) 669-1266